

Remarks

The Rejection of Claims 1, 2, and 4-9 under 35 USC §103

The Examiner rejected the above-identified claims under 35 USC §103 in view of the previously cited Scanoptics reference and U.S. Patent No. 5,036,852 (Leishman).

With regard to Claims 1, 2 and 4-6, the Examiner indicated that it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the voltage of the auxiliary power outlet of the Scanoptics device identical to the voltage of the power inlet and to make both the inlets/outlets IEC compliant in view of the teachings of Leishman. Applicants respectfully traverse the rejection inasmuch as the rejection may apply to the amended and newly submitted claims.

First, the invention of Claim 1 and those depending therefrom now include the limitation that the microscope stand of the present invention comprises a desktop-type microscope stand. Neither the Scanoptics reference nor the Leishman references disclose, teach or suggest a desktop-type microscope stand comprising a standard auxiliary power outlet.

Second, neither the Scanoptics reference nor the Leishman reference disclose, teach or suggests a stand for a microscope comprising an auxiliary power outlet comprising a voltage that is identical to a power inlet. The Scanoptics reference discloses a stand-up microscope stand having different inlet and outlet voltages, current and connector types. The Leishman reference does not even disclose a microscope stand. Hence, neither reference contains an explicit or implicit teaching, suggestion or motivation to create a microscope stand according to the present invention.

Third, the Examiner asserts that it would have been obvious to one having ordinary skill in the art to combine the teachings of the Scanoptics reference with those of Leishman to create the subject invention. However, the Examiner has simply taken individual elements from the reference and applied Applicants' teachings to impermissibly reconstruct the Applicants invention based on hindsight. Indeed, none of the references teach or suggest the combination/modification propounded, and neither provide explicit or implicit motivation to do

so. As previously noted, the Scanoptics reference discloses a stand-up type microscope stand comprising different voltages, current types and connectors and does not even address the problems associated with attempting to utilize a plurality of desk-top type microscopes in an educational laboratory setting. Similarly, Leishman does not even disclose microscopes. Additionally, none of the references cited by the Examiner even address the problem solved by the Applicants' invention, i.e., being able to "daisy-chain" a plurality of desktop type microscopes together in a laboratory setting such that multiple extension cords and the like are not required. Hence, the motivation to make a desktop-type microscope stand comprising an inlet and outlet having an identical voltages and connector types emanates not from the references cited by the Examiner, but from the Applicants' very own disclosure. Indeed, the references cited by the examiner are wholly devoid of a teaching, suggestion or motivation to create the Applicants invention and the Examiner has simply taken elements contained within the individual references and applied impermissible hindsight to reconstruct the Applicants invention. "If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue." *In re Rouffet*, 47 U.S.P.Q.2d1 453 (Fed. Cir. 1998).

With regard to Claims 7, 8 and 9, the Examiner asserts that desk-top type stands are well known. Applicant appreciates that desktop type microscope stands are well known and the Examiner's "well known" statement is acknowledged. However, simply because desk type stands are well known and there exists a standup type microscope stand comprising an auxiliary power outlet (which does not comprise an identical voltage, similar inlet and outlet current type, or similar inlet and outlet connectors), it does not necessarily follow that a desk-type stand comprising an auxiliary power outlet having an identical voltage as that of a power inlet would have been obvious to one having ordinary skill in the art. As noted above, there is simply no teaching, suggestion or motivation contained in the references cited by the Examiner to create the present invention. In fact, the prior art does not even address the problem that the Applicants' invention solves, e.g., too many power cords are used in educational laboratory type settings wherein a plurality of desktop-type microscope stands may be utilized by several individuals at

one time. Additionally, the Scanoptics reference teaches away from the microscope stand of the present invention. Indeed, the Scanoptics stand reference teaches a stand-up type microscope stand, not a desktop microscope stand, and teaches different inlet and outlet voltages, current types, etc., which structures are wholly contrary to the Applicants' invention. Thus, the Scanoptics reference is unavailable for combination/modification and/or illustrates that the present invention would not have been obvious to one having ordinary skill in the art.

Finally, the Examiner also argues that it would be obvious to one having ordinary skill in the art to make the stand of the Scanoptics reference into a desktop type stand to make the system more compact and able to be used in smaller spaces. The Examiner's reasoning is flawed and wholly baseless.

Standup type microscope stands are different from desktop type microscope stands. For one, desktop-type microscope stands are designed for use on a desk or table and are thus, primarily supported by a desk, tables or the like. Standup type microscope stands, on the other hand, are generally supported by a floor; for example by one or more leg elements. Standup type stands may comprise wheels such that they may be moved about a room or may be permanently fixed to at a single location within a room. As a result, standup type microscope stands typically comprise cantilevered arms such that the microscope portion may be moved or repositioned, e.g. for surgery. On the contrary, desktop-type stands typically do not comprise wheels or cantilevered arms and are typically moved by grasping the microscope stand in one's hands and carrying it across a room. In sum, desktop microscope stands serve very different purposes than standup type microscope stands, such that one having ordinary skill in the art would not even consider making a standup microscope stand into a desktop type stand.

In view of the above, the rejection should be reversed.

The Rejection of Claim 3 under 35 USC §103

The Examiner rejected Claim 3 as being obvious in view the Scanoptics reference, Leishman, and U.S. Patent No. 5,389,740 (Austin). More specifically, the Examiner asserted that it would have been obvious to add the protective cover of Austin to prevent electrical shock.

Applicants respectfully traverse the rejection.

First, Applicants reassert all argument with regard to the rejection of Claim 1 above and respectfully submits that because Austin depends from non-obvious Claim 1, by virtue of its dependency, it is also nonobvious.

Second, Austin relates to a protective cover for a wall type outlet and does not read on a protective cover for an outlet for a desktop type microscope. As a result, it is seen that the device described by Austin comprises a box-like structure including a pair of hinges.

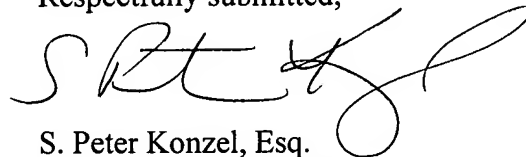
Third, Austin does not contain a teaching, suggestion or motivation to create the invention of Claim 3. Austin discloses a protective device for a wall outlet and does not disclose, teach or suggest a protective cover for a microscope or an electrical appliance for that matter. A protective device for a wall outlet is very different from the protective device of Claim 3.

In view of the above, the rejection should be reversed.

Conclusion

Applicant respectfully submits that all pending claims are now in condition for allowance, which action is courteously requested.

Respectfully submitted,



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